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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 BRIAN J. NIEDERMIER,

12 Plaintiff,

13 v.

14 MICHAEL ASTRUE, Commissioner of
15 Social Security,

16 Defendant.

CASE NO. C07-5224BHS

ORDER

17 The matter is before the court due to the fact that plaintiff has not filed an opening brief
18 as directed by the court.

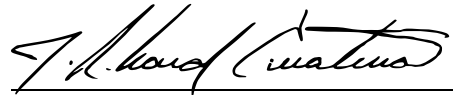
19 On January 6, 2009, Defendant filed the administrative record in this matter, and on
20 January 14, 2009, the court issued a scheduling order, directing Plaintiff to file his opening brief
21 on or before February 12, 2009. Plaintiff failed to file the brief, and the court issued an
22 amended briefing schedule extending the deadline for the opening brief to April 13, 2009. To
23 date, the clerk of the court has not received any pleadings from plaintiff.

24 It may be that Plaintiff has not received the court's previous scheduling orders, as it is
25 unclear whether or not Plaintiff, who is proceeding without the aid of counsel, is able to receive
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1 notice and service of the court orders through the CM/ECF system. Accordingly, plaintiff shall
2 be provided one last opportunity to file an opening brief. If an opening brief is not filed on or
3 before June 22, the court will recommend dismissal of the matter for failure to prosecute

4 The clerk is directed to send a copy of this order to Plaintiff.

5 DATED this 1st day of June, 2009.
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9 J. Richard Creatura
10 United States Magistrate Judge
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